

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMILLA CLARK, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.
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ORDER

18-CV-2334 (AT) (KHP)

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE.

The Court has reviewed the parties' proposed surveys and their arguments regarding remaining disputes filed at ECF No. 293.

The Court finds that Defendant's Proposed Survey is appropriate, except to the extent that it advises absent class members: "Should you fail to complete this questionnaire, it may effect your ability to receive monetary compensation should this case resolve in a settlement or in favor of the class." That paragraph should be removed from the instructions to the questionnaire.

Additionally, the Court does not find that Defendant's proposed questions are out of the scope permitted or unduly lengthy, nor that the questions call for privileged information.

However, in light of Plaintiffs' concerns, the Court suggests the following additions to Defendant's Proposed Survey for the parties' consideration:

1. The Court proposes adding the following language to the questionnaire instructions:

Your completion of this survey is greatly appreciated and provides important information to counsel in this action. Your individual answers will be shared only with counsel for the parties. You will not be individually identified in court filings and your responses will only be used for purposes of this litigation.

2. For Question 15, the Court proposes adding the phrase “(such as a driver’s license or passport)” following the word “identification.”


3. The Court proposes adding the following language after Question 25:

“Any medical information provided in response to this questionnaire will be maintained by counsel as confidential and will be subject to a protective order issued by the Court. Do not disclose the details of any communications you may have had with a mental health provider.”

The parties shall meet and confer on the Court’s proposed additions and advise the Court by **Monday, June 26, 2023** if the additions are acceptable. If the additions are not acceptable, the parties shall propose alternative, agreed-upon language.

SO ORDERED.

Dated: New York, New York
June 21, 2023



KATHARINE H. PARKER
United States Magistrate Judge